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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,060	09/10/2003	Joseph E. Kaminkow	0112300-1423	7281
29159	7590	08/20/2007		
BELL, BOYD & LLOYD LLP P.O. Box 1135 CHICAGO, IL 60690			EXAMINER RADA, ALEX P	
			ART UNIT	PAPER NUMBER
			3714	
			NOTIFICATION DATE	DELIVERY MODE
			08/20/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@BELLBOYD.COM

Office Action Summary

Application No.

10/660,060

Applicant(s)

KAMINKOW ET AL.

Examiner

Alex P. Rada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/21/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Falciglia, SR (US Pub. No. 2003/0181234) in view of Simunek (US 5,401,024).

Regarding claims 1 and 19, Falciglia, SR (Falciglia) discloses a gaming device comprising: a group of selections, each selection associated with a symbol from a range of a plurality of symbols (figure 1a-1g and paragraphs [0018-0022]); an independent generation device associated with each selection group, the random generation devices each generating one of the symbols of the associated selection group upon activation (figure 1a-1g and paragraphs [0018-0022]); a number of generations by each of the generation devices, wherein the number is at least one; a first award provided to the player based on the symbols associated with the selections which are generated by the associated generation devices within the number of generations (paragraph [0022]; where the number of points is considered to be the first award).

Regarding claims 2 and 20, Falciglia discloses wherein the first award is provided contingent upon a threshold percentage of the symbols associated with the selections being generated by the associated generation devices within the amount of generations (paragraphs [0008-0010]).

Regarding claims 3 and 21, Falciglia discloses wherein the first award is provided contingent upon each of the symbols associated with the solutions being generated by the associated generation devices within the amount of generations (paragraphs [0008-0010]).

Regarding claims 9 and 25, Falciglia discloses a plurality of groups of selections, each selection associated with a symbol from the range, wherein each generation device is associated with one of the selections of each of the groups, and wherein the first award is based on how many symbols associated with the selections of each of the groups are generated by the associated generation devices within the amount of generations (figure 1a-1g and paragraphs [0018-0022]).

Regarding claim 10, Falciglia discloses wherein the first award is provided contingent upon a threshold percentage of the symbols associated with the selections of one of the groups being generated by the associated generation devices within the amount of generations (figure 1a-1g and paragraphs [0018-0022]).

Regarding claim 11, Falciglia discloses wherein the first award is provided contingent upon each of the symbols associated with the selections of one of the groups being generated by the associated generation devices within the amount of generations (figure 1a-1g and paragraphs [0018-0022]).

Regarding claim 12, Falciglia discloses wherein the groups are displayed as rows of masked selections and the generation devices are each displayed adjacent to a column of selections from each of the groups (figures 1a-1g).

Regarding claim 13, Falciglia discloses wherein the generation devices each generate and display one of the symbols from the range (paragraph [0019]).

Regarding claims 14-15 and 27-28, Falciglia disclose the game is played via a data network and the data network includes an Internet (paragraph [0009]).

Regarding claims 16-18 and 29-32, Falciglia discloses the symbols are numbers (figures 1a-1g) and the symbols are masked initially (figures 1a-1g), additional generations available to be generated by the generation devices (figures 1a-1g and paragraph [0018]) and the symbols must occur in a row of symbols or a column of symbols (figures 1a-1g).

Regarding claim 26, Falciglia discloses the first display device includes a video monitor coupled operably with a touch screen (paragraph [0030]).

Regarding claim 33, Falciglia discloses a gaming device having a game payable upon a wager, comprising: (a) displaying a first group of symbols from a set of a plurality of symbols (figures 1-3 and paragraphs [0018-0022]); (c) generating randomly a second group of the symbols from the set on a plurality of independent generation devices, each generating one of the symbols (figures 1-3 and paragraphs [0018-0022]); (d) providing the player a first award based on the symbols from the first group which are randomly generated in the second group (paragraphs [0018-0022]).

Regarding claim 34, Falciglia discloses wherein awarding the player based on the symbols from the first group generated in the second group includes awarding the player if a threshold percentage of the masked symbols are generated in the second group (paragraphs [0018-0022]).

Regarding claim 35, Falciglia discloses dividing the first group of symbols into a plurality of sub-groups and awarding the player if each of the symbols of one of the sub-groups is generated (paragraphs [0018-0022]).

Regarding claim 36, Falciglia discloses step (c) is repeated at least one time before steps (d) and (e) (paragraphs [0018-0022]).

Regarding claims 39 and 40, Falciglia discloses steps (a) and (e) are provided via data network or a computer storage device and the data network includes an Internet (paragraph [0009]).

Regarding claim 41, Falciglia discloses a gaming device having a game operable upon a wager comprising: (a) enabling play of an item matching game as a first bonus game of a base game (figures 1-3 and paragraphs [0018-0022]), wherein an objective is to randomly match as many of the items as possible (figures 1-3 and paragraphs [0018-0022]); (c) enabling the player to play a number of second bonus game based on the matching sequence, wherein the matching sequences includes a plurality of independent generation devices each generating one of the items (figures 1-3 and paragraphs [0018-0022]); and (d) providing an award to the player based on each of the outcomes of the first bonus games (figures 1-3 and paragraphs [0018-0022]).

Regarding claim 42, Falciglia discloses structuring the item matching game to include a plurality of reels, each associated with a dedicated group of the items, wherein the reels can generate and match designated items of the group (figures 1-3 and paragraphs [0018-0022]).

Falciglia in regards to **claims 1, 19, 33 and 41** is silent in regards to at least one pick of the selections; and a second award provided to the player based on how many of the symbols associated with selections picked are generated by the associated generation devices within the amount of generations; regarding **claims 4, 22, 37 and 44**, wherein the second award is a combination of values provided in connection with each of the symbols associated with selections picked by the player that are also generated by the device; regarding **claims 5 and 23**, wherein the second award includes an outcome from at least one bonus game played after one of the symbols associated with selections picked by the player is also generated by the device; regarding **claims 6, 38 and 43**, wherein the bonus game includes a mechanical device that generates the outcome; regarding **claims 7 and 24**, wherein the mechanical device is selected from the group consisting of: a spinning reel, a spinning wheel, a translating indicator, a rotating indicator and any combination thereof; regarding **claim 8**, wherein the second award is generated via a mechanical display device.

Simunek teaches (claims 1, 4 and 22) a keno type amusement device wherein a player selects a number of spots on the game board. The amusement device having a processor using a generation device randomly selects a number on the game board and determines the number of matches between the amusement device selected spots and the player's selected spots. If there are matches between the amusement device selected spots and the player's selected spots, a player would be award based on the number of spots matches. By modifying Falciglia to having a player pick a predetermined number of spots, one of ordinary skill in the art would yield to predictable results by providing a player to obtain as many matches as possible to increase the size of a payout.

Regarding claims 5 and 23, Simunek teaches wherein the second award includes an outcome from at least one bonus game played after one of the symbols associated with selections picked by the player is also generated by the device (col. 1, lines 33-46; wherein a super spot is selected and if the super spot is matched, then a bonus game is played to increasing a player's outcome).

Regarding claims 6, 7-8 and 24, Simunek teaches the bonus game includes a device that simulates a mechanical device that generates the outcome (col. 3, lines 21-32). At the time the invention was made, it would have been an obvious design choice to a person of ordinary skill in the art to provide different mechanical device from the group consisting of a spinning reel, a spinning wheel, a translating indicator, a rotating indicator and any combination and a mechanical display device because Applicant has not disclosed that different types of mechanical device used provides an advantage or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the simulated reels on a display device of Simunek because they provide the same functionality of randomly determining an outcome.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Falciglia to include at least one pick of the selections; and an award

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provided to the player based on how many of the symbols associated with selections picked are generated by the associated generation devices within the amount of generations as taught by Simunek to yield to predictable results by providing a player to obtain as many matches as possible to increase the size of a payout.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 571-272-4452. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Robert E. Pezzuto
Supervisory Patent Examiner
Art Unit 3714


APR